

way to serve the interests of men in society. Institutions are either crecive or enacted. They are crecive when they take shape in the mores, growing by the instinctive efforts by which the mores are produced. Then the efforts, through long use, become definite and specific. Property, marriage, and religion are the most primary institutions. They began in folkways. They became customs. They developed into mores by the addition, of some philosophy of welfare, however crude. Then they were made more definite and specific as regards the rules, the pre-scribed acts, and the apparatus to be employed. This produced a structure and the institution was complete. Enacted institutions are products of rational invention and intention. They belong to high civilization. Banks are institutions of credit founded on usages which can be traced back to barbarism. There came a time when, guided by rational reflection on experience, men systematized and regulated the usages which had become current, and thus created positive institutions of credit, defined by law and sanctioned by the force of the state. Pure enacted institutions which are strong

and prosperous are hard to find.

It is too difficult to invent and create an institution, for a purpose,

out of nothing. The electoral college in the constitution of the

United States is an example.

In that case the democratic mores

of the people have seized upon the device and made of it

something quite different from what the inventors planned.

All institutions have come out of mores, although the rational element

in them is sometimes so large that their origin in the mores is

not to be ascertained except by an historical investigation (legisla-

tures, courts, juries, joint stock companies, the stock exchange).

Property, marriage, and religion are still almost entirely in the

mores. Amongst nature men any man might capture and hold

a woman at any time, if he could. He did it by superior force

which was its own supreme justification. But his act brought

his group and her group into war, and produced harm to his comrades.

They forbade capture, or set conditions for it.

Beyond the limits, the individual might still use force, but his comrades

were no longer responsible. The glory to him, if he succeeded, might

be all the greater. His control over his captive was absolute.